

AMENDED IN ASSEMBLY AUGUST 4, 2016

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 26, 2016

AMENDED IN SENATE APRIL 4, 2016

AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 1279

Introduced by Senator Hancock

(Coauthor: Senator Allen)

(Coauthors: Assembly Members Bonta and Thurmond)

February 19, 2016

An act to add Section 14525.3 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1279, as amended, Hancock. California Transportation Commission: funding prohibition: coal shipment.

Existing law creates the California Transportation Commission, with various duties and responsibilities relative to the programming and allocation of funds for transportation capital projects.

This bill would, except as specified, prohibit the commission from programming or allocating any state funds for new bulk terminal projects, as defined. The bill would require terminal project grantees to annually report to the commission that the project is not being used to handle, store, or transport coal in bulk.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that, to
2 avoid the impacts of localized airborne particulate matter associated
3 with the transportation of coal and the increased emissions of
4 greenhouse gases associated with the use of coal, the State of
5 California should make all reasonable and legal efforts to avoid
6 the investment of state ~~moneys~~ *funds* in coal-supporting
7 transportation projects.

8 (b) It is the intent of the Legislature that the State of California
9 cease all investments in transportation infrastructure projects that
10 store, transfer, or transport significant amounts of coal in bulk.
11 While it is not the intent of the Legislature to disrupt existing,
12 regular, and lawful interstate and international commerce involving
13 operations that may transport coal at present, it is the intent of the
14 Legislature to avoid making new investments in coal-supporting
15 projects.

16 SEC. 2. Section 14525.3 is added to the Government Code, to
17 read:

18 14525.3. (a) To the extent consistent with federal law, the
19 commission shall not program or allocate any state funds, including
20 proceeds from the sale of general obligation bonds, under its
21 jurisdiction for any new bulk coal terminal project proposed on or
22 after January 1, 2017.

23 (b) (1) The commission shall evaluate each new terminal project
24 before the commission to determine consistency with this section
25 and also whether or not the purpose or intent of the new terminal
26 project is to increase the state's overall capacity to facilitate the
27 transportation of coal in bulk, based on a review of the completed
28 environmental documents and written confirmation from the lead
29 agency of the project, as designated pursuant to the California
30 Environmental Quality Act (Division 13 (commencing with Section
31 21000) of the Public Resources Code).

32 (2) A terminal project grantee of funds identified by the
33 commission as subject to this section shall annually notify the
34 commission that the project is not being used to handle, store, or
35 transport coal in bulk.

1 (c) This section does not apply to a project or infrastructure
2 already permitted as of January 1, 2016.

3 (d) For purposes of this section, the following definitions apply:

4 (1) (A) “New bulk coal terminal” means a terminal that stores,
5 handles, or transports coal in bulk to a degree or significance that
6 is categorized as having the potential for significant impacts in an
7 environmental document prepared pursuant to the California
8 Environmental Quality Act (Division 13 (commencing with Section
9 21000) of the Public Resources Code) as a result of the storage,
10 handling, or transport of coal in bulk.

11 (B) “New bulk coal terminal” does not include a project that is
12 designed for safety, rehabilitation, congestion reduction,
13 modernization, maintenance, or repair of an existing operation or
14 facility, including rail terminals, railyards, rail facilities, rail
15 infrastructure, and rail right-of-way.

16 (2) (A) “Terminal project” or “terminal” means a yard, depot,
17 or off-road or other facility that exchanges freight in bulk between
18 transportation modes.

19 (B) “Terminal project” does not include a project that is designed
20 for safety, rehabilitation, congestion reduction, modernization,
21 maintenance, or repair of an existing operation or facility, including
22 rail terminals, railyards, rail facilities, rail infrastructure, and rail
23 right-of-way.